

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

Clerk, U.S. District Court
Southern District of Texas
FILED

MAR -1 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Linda CHAVEZ
Luz Maria CASTILLO

CRIMINAL COMPLAINT

Case Number: C-15-235M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/27/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), Linda CHAVEZ ,

Luz Maria CASTILLO

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Roberto Pina

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No


Signature of Complainant

BPA Robert Pina
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested
telephonically per Fed.R.Crim.P.4.1, and probable cause found:

March 1, 2015 At 12:55pm

Date

B. Janice Ellington , U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

After stating that she picked up the four undocumented aliens at a convenience store, CASTILLO requested to have a lawyer present. At that time, Agent San Pedro immediately stopped all questioning.

CO-PRINCIPAL STATEMENT:

CHAVEZ stated she was willing to make a statement without the presence of an attorney and agent San Pedro proceeded to ask her about the events preceding her arrival at the checkpoint.

CHAVEZ stated she was picked up by CASTILLO (daughter in law) only for companionship for her and her son on the trip to Louisiana. CHAVEZ stated that CASTILLO was going to purchase a bus ticket for her return trip back home. CHAVEZ claims no knowledge of the individuals hiding in the vehicle or as to how they got there.

CO-PRINCIPAL RECORDS CHECKS:

Record checks were conducted on Linda Chavez revealing a previous conviction for 8 USC 1324 Alien Smuggling (18 Months in prison).

SMUGGLED ALIEN MIRANDA RIGHTS:

Agent San Pedro read Duque GUTIERREZ and Jose Antonio FARIAS-FERNANDEZ their Miranda Rights, as per Service Form I-214 in their preferred language of "Spanish." Agent Jose Cervantes witnessed the reading and signing of the rights. GUTIERREZ and FARIAS stated they were willing to make a statement without the presence of an attorney.

SMUGGELED ALIEN STATEMENT:

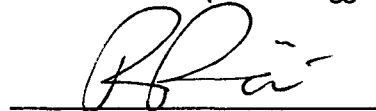
Florinda GUTIERREZ-Duque stated to agent San Pedro that she crossed the river approximately six days ago, at or near Rio Grande City, and was immediately picked up by an unknown man in a pickup truck then driven to an unknown house somewhere near Mission, Texas. GUTIERREZ then stated that she stayed at the house for two days before being dropped off at a Wal-Mart in McAllen, Texas. While in McAllen, she worked for an unknown female at a taco stand for approximately two more days. On that day of their arrest, GUTIERREZ approached a blue truck asking the driver for a ride. Inside the blue truck were two women, who were later identified as CASTILLO and CHAVEZ, and a small child. GUTIERREZ stated that she approached the passenger side and spoke with CHAVEZ. GUTIERREZ then offered CHAVEZ money in return for a ride to Houston. GUTIERREZ stated that CHAVEZ declined the cash but agreed to give her a ride anyhow. GUTIERREZ then mentioned that CHAVEZ told them to get in the back and they were covered with blankets and clothes. On their way northbound, GUTIERREZ heard a female state "be very quiet", moments later they were placed under arrest by Border Patrol Agents.

Jose Antonio FARIAS-FERNANDEZ stated that he crossed the river approximately on February 23, 2015 and was pick up by an unknown individual in a truck and was immediately taken to an unknown house. On the day of his arrest, FARIAS claims that a blue in color truck pulled into the garage of the house where he was and was told by the driver, later identified as CASTILLO, to get in the truck. FARIAS stated that he also had noticed another female sitting in the passenger seat of the vehicle, later identified as CHAVEZ. FARIAS stated that at that point he got in the truck, along with another individual, into the cargo area of the vehicle and were covered with blankets by CHAVEZ. FARIAS also stated that while they were driving they heard one of the females say "we are coming up to the checkpoint, be quiet". Moments later FARIAS along with everyone else, was placed under arrest by Border Patrol Agents.

ADDITIONAL INFORMATION:

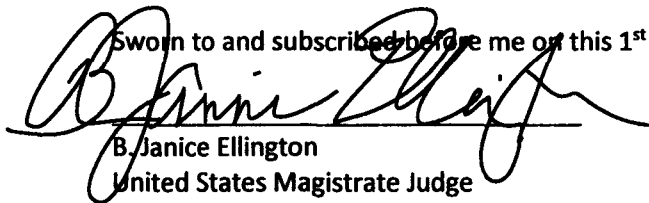
Agents interviewed all additional subjects from the case and no one provided any exculpatory statements.

Assistant U.S. Attorney Mike Hess was contacted and accepted prosecution of this case for violation of Title 8 USC 1324 (Alien Smuggling).



Roberto Pina
Border Patrol Agent

Sworn to and subscribed before me on this 1st day of March, 2015 By telephonic means



B. Janice Ellington
United States Magistrate Judge